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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/627,139

07/27/2000

J. David Schaffer

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10/20/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

HUYNH, SON P

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/627,139

Applicant(s)

SCHAFFER ET AL.

Examiner

Son P Huynh

Art Unit

2611

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-26.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


CHRIS GRANT
PRIMARY EXAMINER

Continuation of 2. NOTE: amendments to the claims such as "...two sets of predictions" in claims 18, 21 changes the scope of the claim and requires further consideration.

Regarding claims 1-17, applicants argue neither Tuzhilin nor Hendricks teaches generating two sets of predictions and weight-averaging the predictions from the two sets." This argument is respectfully traversed.

It is noted that the specification does not clearly define "sets of predictions." Therefore, the "sets of predictions" can be interpreted as predictions of programs, movies, restaurants, products, etc. that are likely to be watched, based on location, time, gender, income, etc of user.

Tuzhilin discloses providing types of restaurants or types of products, based static and dynamic profiles of user. For example, providing diaper on evening of weekdays, beer for male, perfume in Paris, etc (col. 8, lines 20-30). The system provides recommendations on the products according to the combination of products (col. 10, line 50-col. 12, line 36). Thus, the claimed feature of "two sets of predictions" is met by two sets of predictions (i.e., predictions for diaper and prediction for beer); and "combine the predictions by weight-averaging corresponding ones from each of the at least two sets of predictions" is met by combining the two sets of predictions of products (for example, diaper and beer).

In the alternative rejection, Hendricks discloses the programmer packages the signals by entering certain information into the CAP. This information includes the date, time slot, and program categories, program descriptions, ratings, price, actor, mood, etc. of the various programs. The programmer and the CAP utilize demographic data and ratings in performing the packaging tasks. The operations center may send different groups of programs to different cable headends 208 and/or set top terminals (col. 6, line 45-col. 7, line 60). The headend is able to perform "on the fly programming" changes such as, for example, interactive television services, selection of different foreign languages for the same video (col. 9, lines 5-13). Weights are assigned to various indicators which assist in determining what channel or program the viewer desired (col. 30, lines 20-30). A list of possible search criteria including mood, type, category/genre, actor, time, rating, etc. are provided to assist in the search of selected program suggestions. The user has the option to select as few or as many of the criteria as desired, with the understanding that the more data provided, the more selective the resulting list of suggested programs (col. 31, line 15-col. 32, line 64). Hendricks further discloses the terminal suggests programs that the subscriber is most likely to watch according to responsive methods, intelligent methods and method which integrate both responsive and intelligent methodologies (col. 29, line 32-col. 30, line 25). Thus, the claimed feature of "two set of predictions" is met by prediction of data according to responsive methods and prediction of data according to intelligent methods; "combinining the predictions by weight-averaging corresponding ones from each of the at least two sets of predictions" is met by integrating predictions according to responsive and intelligent methodologies.

For reasons given above, rejection on claims 1-26 is maintained as discussed in the final office action.